

REMARKS

This Amendment is submitted in response to the Office Action mailed on October 22, 2003. Claim 1 has been amended, and claims 1-5 remain in the present application. In view of the foregoing amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

Claims 1 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nantel et al., U.S. Publication No. 2001/0052986 in view of De Caris et al., U.S. Patent No. 5,750,938. Claims 2, 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nantel et al. in view of De Caris et al. and further in view of Dam, U.S. Patent No. 5,880,364. While Applicants respectfully traverse these rejections, Applicants have amended independent claim 1 to more sharply define the present invention over the prior art of record and respectfully request that the rejections of pending claims 1-5 be withdrawn.

In particular, claim 1 has been amended to recite a method for checking the content of pockets in a blister package which are filled with a powdery, solid, liquid or pasteous substance including the step of detecting a filled volume of the substance "in each of said pockets" by a "single measurement" formed by a sensor formed as a capacitive test probe which measures the induced dipole moment in any given volume of material by means of a high frequency alternating field.

Examiner properly recognizes that Nantel et al. does not teach detecting a filled volume of a substance in pockets of a blister package using a capacitive test probe as claimed by Applicants. As may be derived from Column 3, lines 36-41 and lines 52-57 of De Caris et al., the mass weighing device according to this reference comprises a first capacitive sensor (36) which detects the mass of the empty capsule by measuring the dielectric constant of the material. This is followed by a second capacitive sensor (59) which detects the mass of the filled capsule by measuring the dielectric constant of a combination of capsule material and drug material (see Column 4, lines 39-46). According to the given equation referred to as (4), the results of the two measurements have to be combined to calculate the mass of the drug material contained in the corresponding filled capsule. Thus, this method is quite complicated and time-consuming and requires a couple of expensive devices to be arranged in a row as well as substantial processor capacities to measure the mass of the drug material within the corresponding capsule.

The present invention according to amended claim 1 differs from the mass weighing device of De Caris et al. in that only a single measurement by a capacitive sensor has to be performed for each pocket to detect a filled volume of the substance in each of the pockets, thereby reducing the costs, the space requirements and the processor capacities needed. Moreover, the speed of the

present invention exceeds that of known devices due to the single volum measurement.

This possibility to perform only one measurement of the filled pocket arises from the fact that the measuring method according to the present invention allows for the most part for an elimination of any influences resulting from the empty pocket material. The capacitive sensor measures the induced dipol moment, but not the dielectric constant, of the substance material, and a high frequency alternating field is used for this purpose which is not used in capacitive sensors which measure the dielectric constant of a material. These features recited in independent claim 1 are not disclosed or suggested in each of Nantel et al. and De Caris et al. taken alone, or in combination with the other prior art of record, and the rejection should be withdrawn.

Moreover, as claims 2-5 depend from allowable independent claim 1, and furthermore as each of these claims recites a combination of elements not taught or suggested by the prior art of record, Applicants submit that these claims are allowable as well.

Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains

which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Applicants do not believe that this response requires that any fees be submitted, however, if any fees are deemed necessary, these may be charged to Deposit Account No. 23-3000.

Respectfully submitted,

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